

REMARKS

Any fees that may be due in connection with the filing of this paper or with this application may be charged to Deposit Account No. 06-1050. If a Petition for Extension of time is needed, this paper is to be considered such Petition.

Claims 1-3, 5, 6, 8, 10-35, 37-39, 41, 42, 44, 46 and 69-94 are pending in this application. Claims 28 and 29 are amended in accord with the suggestion of the Examiner in order to place the application into condition for allowance. Claims 90-94 are added. Basis for claims 90-94 can be found in specification as originally filed. For example, particular basis can be found in original claims 28 and 29 and in the description in the application at in section 2.a. at page 61. Particular basis for claim 94 can be found in original claim 25. Therefore, no new matter has been added.

A supplemental Information Disclosure Statement is filed herewith.

If any issues remain outstanding, it is respectfully requested that the Examiner contact the undersigned at the number noted below.

THE REJECTION OF CLAIMS 28-31 UNDER 35 U.S.C. §101)

Claims 28-31 are rejected under 35 U.S.C. §101 as reading on transfected cells in a human. While not conceding the propriety of the rejection, amendment of the claims renders the rejection moot.

* * *

In view of the above, examination of the application on the merits and allowance are respectfully requested.

Respectfully submitted,

Stephanie Seidman
Reg. No. 33,779

Attorney Docket No. 17083-003002/1227B

Address all correspondence to:

Stephanie L. Seidman
Fish & Richardson P.C.
12390 El Camino Real
San Diego, California 92130
Telephone: (858) 678-4777
Facsimile: (202) 626-7796
email: seidman@fr.com